
BOARD OF SELECTMEN

MEETING MINUTES

8/18/09

The Board of Selectmen met in the Town Hall, Joseph F. Bilotta Meeting Room as scheduled with Thomas Alonzo, Paula Bertram, Steven M. deBettencourt, Thomas Mason, Dave Matthews and CAFO Kerry Speidel present. Meeting opened at 7:07 P.M. with the Pledge of Allegiance

PUBLIC DISCUSSION

Dave Rodgers, of 82 Highland Street came before the board to express the town contact Congressman John Olver as he may be able to assist. As far as Meadow Woods, will commit that Fran McNamara, Superintendent of the Lunenburg Water District will be in contact with Kerry as the district is in the process of sending certified letters to the residents and this will be done by Friday.

This past Sunday, listed to a horrific situation @ Shady Point, emergency personnel had a terrible time traversing the area to Shady Point, once they were able to get in there, an EMT radioed that the police were needed immediately. Issues, although the DeFazio family has tried, they get overridden with people, has become a real public safety issue with access. Also, questioned how many times have we been down there with fire and police, would be interesting and worthy of review before a tragedy happens. Chair would like to know what the regulations are to govern that activity.

Also, noted that he received a letter and for the record, he did not resign, he chose not to be reappointed.

ANNOUNCEMENTS

Chair expressed appreciation to all those who made the bonfire event this past weekend such a huge success.

APPOINTMENTS

1. 7:10 PM, Interview – Personnel Committee Applicant Dawn Cacciotti – of 73 Royal Fern Drive came before the board for a brief interview. She has a background in human resource operations as she does this for a living, enjoys the field very much. Has been with the firm she's current working with for two years with 250 employees. Tom M., motion to appoint Dawn Cacciotti to the Personnel Committee, Steve seconded voted unanimously to approve.

2. 7:15 PM, Interview Computer Advisory Committee Applicant James Tuttle – tabled as Mr. Tuttle was absent.

3. 7:20 PM, Robert Gonynor, Meadow Woods – Bob Gonynor asking where we are with regards to the status of the mobile home park. Status of construction company, DeFelice as he's been told that their phone number has been disconnected. Questioned whether there has been a final bill, status of the grant / loan information and where we are moving forward. Per CAFO, nearly completed and for all intensive purposes, the contractor has completed the project. DPW Director Jack Rodriquez hand delivered letters to the residents of Meadow Woods today and they have been asked to forward any concerns/issues to the town by August 24th.

The funding for the project is split between the loan and grant; CAFO is still working through this issue as the cost of the project came in below projections. The town has expended all of the loan proceeds as according to USRDA, the loan had to be expended first before we could get into the grant.

CAFO, reviewed the agreement between the town and Robert Gonynor (Sr.), the housing court approved that one year after completion of construction all the parties will return to court for a status conference to determine if the receiver should remain in place (#8), the agreement actually refers to five years (#5). Bob questioned, what is the board's feeling once this is satisfied, does the board want to be in the real estate business. Per CAFO, will need to discuss this with the board on whether we want to involve town counsel or wait for the year. Per Chair, it is our full intention to follow through the ruling of the court, once the betterments will start, then we wait one year and then will review this. Need to establish all the rents with the receiver in place. Tom M., concurred, let's finish the project and get it done right.

4. 8:15 PM, Regionalization Planning Board Update

Milree Keeling, Chair, Regionalization Planning Board (RPB), Anthony Caiozzo and Jane Hall came before the board to provide an update on the status and to discuss the issues relative to scheduling a Special Town Meeting for bringing a warrant to the town, should that be the RPB recommendation. Met with legislative delegation with the assistance of Representative Benson as well as the Commissioner of Education, discussed need for support during this transitional merger should it occur \$1.8 million dollars will be needed for over two years. The timeline is addressed in statute, and because our specific situation makes the timeline tight, she is trying to give the board as much information as possible. The Town of Ayer has a STM scheduled already for 10/26. The RPB would like to recommend that the towns hold these meetings simultaneously; and that if possible the results of the vote in all towns not be announced until the last community has completed its voting process, so that the results of a community's vote are not affected by those of another town. Even in the case of defeat of the warrant, that is the only way to get a true reading of the towns' support or

opposition to the measure. This will require coordination among the several Boards of Selectmen, Moderators, and Clerks. Presented the attached information from Katherine Craven, Executive Director MSBA and information on the Model School projects. Estimation is that there would be a real savings in the design costs, total reimbursement for our regional is 56% for our town it's 53.53% if it is decided to go with the model school project. Noted the statute and would like to work with the board as to when we need to present the RPB recommendation to the Selectmen.

Excerpt from MGL Chapter 71, Section 15 follows:

Chapter 71: Section 15. Acceptance of organization provisions by electorate

Section 15. The selectmen or council of each of the several towns shall, upon receipt of the recommendation that a regional school district should be formed and of a proposed agreement therefore submitted in accordance with the provisions of sections fourteen to fourteen B, inclusive, or otherwise in the form and with the approval required by said sections, cause to be presented the question of accepting the provisions of sections sixteen to sixteen I, inclusive, and the proposed agreement or agreements. Said question shall be determined, in a town having an open town meeting, by vote with printed ballots at an annual or special town meeting to be held in either case within thirty days after receipt of such recommendation by the selectmen and, in a town having a representative town meeting or council, at an annual or special town election to be held in either case not less than thirty-five nor more than fifty days after receipt of such recommendation.

The article in the warrant for such annual or special town meeting or election and the question on the printed ballots to be used at such meeting or election shall be in substantially the following form:

Shall the town accept the provisions of sections sixteen to sixteen I, inclusive, of chapter seventy-one of the General Laws providing for the establishment of a regional school district, together with the towns of , and , etc., and for construction, maintenance and operation of a regional school by said district in accordance with the provisions of a proposed agreement filed with the selectmen?

If a majority of the voters present and voting on said question in each of the several towns shall vote in the affirmative, said sections sixteen to sixteen I, inclusive, shall become effective, and the proposed regional school district shall be deemed to be established forthwith in accordance with the terms of the agreement so adopted notwithstanding any defect or omission in the creation or organization of any regional school district planning committee or regional school district planning board.

Per Chair, the more notice we get (town meeting) the better, as we have to adhere to our Charter and Bylaws. It is up to the board to decide if other business is to be conducted, and then if necessary to schedule two town meetings to be held. The town will adjourn the one meeting once the vote on the regionalization article is completed and then, if necessary, will have to conduct a second town meeting. Per CAFO her concern is that having a STM in October is early to determine any budget adjustments and then to have to schedule a second town meeting. In fairness to the regionalization question which has been going on for two years and since it's not going to a ballot, would rather have it by itself for one town meeting.

Tom M., concurs that this deserves its own town meeting.

Per Milree, this agreement needs to be signed and sealed by the Commissioner; the agreement is with their legal counsel at this point. Still waiting for the dollar number that the state will support during the transitional period to operate our three districts, other piece is the repeat of the financial analysis for 2010 and have told them that we have a deadline of September 1st to receive something in writing; the Governor's decision. Should the recommendation be to approve, then a number of meetings are being planned and improvements will be made to the website to get the information out so that the voters can make an informed decision. Per Milree, the town meeting vote is simple majority not 2/3.

CURRENT BUSINESS

1. CAFO Updates

- Tennessee Gas Pipeline appears that the end of construction will be 8/25/09 and will take approximately another two weeks for final cleanup of properties.
- Jack Rodriquez came before the board on the storm debris clean up, which is winding to a close. Three weeks ago all roadside debris clean up was completed, has since been chipped and removed all that remains to be done are the hangers and leaners on Leominster Road and Lancaster Ave. Chair questioned about a property on New West Townsend Road (ltr sent to board) and whether the company was coming back and why the entire pile was not removed. Per Jack we have established a punch list and this property is included, spoke with contractor and this will be addressed, there are less than six items remaining on the punch list. Paula asked that a copy of the letter be placed in the action file.
- Meadow Woods, Jack wrote a letter to the residents stating in essence that we want to bring this project to a successful completion and if the residents have any issue would like to hear from them by August 25th. Will work with contractor to get the work done. He did speak with the individual (Benoit, Lot #38) on the complaint that was issued with the board and ask that he has patience as he will address all the issues with the contractor on or about the 26th. Paula's concern is whether piping under the trailer was covered or was it piping to the trailer as this is obviously an issue. Wanted to replace all of the piping directly to the trailer, want to understand what Jack's understanding of the contract was. Per Jack the sewer language is less complete as it's to the point of the appurtenance or very near the trailer. In terms of what's above ground, nothing that he can find in the contract that states that all piping has to be underground. Much of the piping is above ground to many of the trailers, in many of the cases the contractor was able to come underground and then above ground. Apparently, the contractor never came back and put the hangers on the pipe and needs to be completed and done. In terms of the water line, it should be buried

below the frost line. There was an agreement made between the resident (Lot #38) and the contractor and the paving was not done in the way that had been promised. Resident was told that this would be addressed, but hasn't been done at this time. Steve's concern is that we have a guarantee for the residents. Per Jack, as we did have a resident inspector on site, yes we're leaving it up to the residents to inform us of other issues as we did have an inspector on site during the construction. This is their opportunity to inform us, in the past some of the pipes did freeze, it was not the obligation of the contractor to take these lines and bury them underground. Do have a one year warranty that will take in this winter and we will leverage the contractor to repair any problems. Per the CAFO, if there are other issues that come up, we'll pay for repairs out of the project if the contractor will not cover. Town is currently holding the final pay req and will not release until these issues have been addressed. Dave's concern is that we're leaving pipes to freeze, we've had an engineer on site and yet it doesn't seem like they're responsible, bothered that it seems that we're coming at this after the fact. Per Chair recalls numerous meetings and many of the questions were where does the responsibility stop at the trailer, a question on the age of some of the homes. We were bettering the site, not individual trailers, everything that was on the trailer was going to be the same, the park's responsibility is what we were going to be replacing. The engineer came up with a specification and this was an issue. We need to make sure that what was designed is what was adhered to. Jack assured that there will be a site visit on any issues that have been brought forward. CAFO discussion on resident inspector and whether we got enough out of the resident inspector that we should have, those issues that Mr. Benoit brought to our attention last week and those were on the punch list and she is confident that our inspector did his job as these are punch list items. Per Jack this particular apron was on the punch list and an agreement was made with Mr. DeFelice and the resident, and was not completed to the satisfaction of the resident. Paula would recommend a letter from the property owner or the receiver that the lines going into the trailers are the responsibility of the tenants. Per Bob Gorynor, the confusion may have resulted from the early surveying and why there's a misunderstanding about the ownership of the pipes. Paula's concern is that we don't want to have to come back because we weren't aware of the way the lines were installed. Chair questioned if it's possible to have someone look at each one and seeing where they connect to, so that we catch the easy, to check where the connections are and have them report back to the DPW. Per Jack, we can have this done. Linda LeBlanc Kennedy, lot #21 at 1790 Mass Ave., informed the board that during the construction she couldn't get into her driveway and was told by the contractor that she was going to get a new driveway. Presented picture of what she was left with and noted to the board that she had install reground asphalt. There's a difference of 14 feet between her driveway and the road and previously the driveway abutted right up to the road. Also, the manhole cover was put in in the dirt and then they put a patch in, and that all sets at the front of her property. She had a driveway before all of this and now it's no good, reviewed her photographs with DPW Director, Jack Rodriquez. Vern Gustafson, Lot #19, 1790 Mass Ave., had spoken with Jack in February and was told that with the improvements that we should be happy with what's been done and he wasn't going to talk to me anymore, and now we get a letter informing us if we have any complaints to talk to Jack. He doesn't think that he can trust Jack with anything. Complaint is that the road isn't as wide as it was, discussed issues with his driveway and other residents. Width of the road is approximately 15', concern is when they start plowing snow, what's going to happen to the roadway and where is all this going to end up. Water line is within two feet of where it was before, has put heat tape on and insulated since he bought the trailer. He has sewer line that's physically attached to his trailer, no problem with the way the line has been done, just that when he went to speak with the DPW Director was told that we should be happy with the response that he got, it's not acceptable from a public official.

2. Minutes - Regular for 1/3/06, 1/10/06, 2/7/06, 2/14/06, 3/7/06, 3/21/06, 5/30/06, 2/18/08, 6/23/09, 7/14/09, 8/4/09, 8/6/09, Sewer Commission for 1/10/06, 2/14/06, 3/7/06, 3/21/06, and Executive Session for 1/3/06, 1/10/06, 2/7/06, 2/14/06, 3/21/06, 5/30/06, 8/6/09 reviewed and signed.

Warrants - #4P 10, 8/20/09 - \$462,473.04, #9 10, 8/19/09 - \$102,631.49, #8 10, 8/18/09 - \$53,004.60 and #8A 10, 8/17/09 - \$185,869.87 reviewed and signed.

Contracts – None

Action File Issues – Jack Rodriquez informed the board that the Util maintenance plan is ongoing and reviewed the tree trimming process:

Advance notice was given at a meeting of the Board prior to initiating the project. Previously Asplundh Tree Service and Util had met with Jack to discuss location and scheduling and the "permission" process that was followed. He felt it was prudent to have a representative attend the meeting. By Mass General Law the Selectmen can override and/or be the final granting body for the felling of shade trees. It is clear that the consensus that evening was positive, in fact the comment was made "we would like to know if you receive push back from any residents". While it is clear Mr. Frappier did not have all the answers, efforts by this office to bring in Asplundh were unsuccessful due to a scheduling conflict. "Door Cards" as described by Mr. Frappier have been and continue to be handed out and acknowledged by abutters to the power line in question. Jack has a copy of the card signed by Ms. Lisio of 181 Reservoir Rd. clearly stating and signing off the work to be done. This directive is also transferred to the work crew in the form of a "Permission Status Record" of which he also has a copy. It is documented on this form as well where "No Contact" has been confirmed

i.e. 155 Reservoir Rd. In areas where permission is not granted, the crews are restricted to the right-of-way. As an aside, one resident asked that the tree trimming and felling along their frontage be postponed due to an upcoming wedding reception. Asplundh will accommodate these residents. The crew will return after the agreed upon date. Please keep in mind that #181 is the only complaint to date from Reservoir Road residents. Each resident is allowed to restrict cutting on their land. A meeting has been scheduled for August 25th to discuss protocol and restrictions on cutting proposed for a section of Leominster Road as this is a designated scenic road. One problem he sees is the remaining stumps and as such he has asked Asplundh to trim closer to the ground. Furthermore, there is no plan at this time to remove log lengths. In many places residents have asked to keep the wood. We must be sure that all residual wood is removed.

Per Dave the issue with the Lisio's property is that it took away some of their privacy, the tag talks about directional trimming more than ground to sky. There was no discussion about the undergrowth, the tree company just took that down. Even with the eight foot range, there are people that are asking them to go farther in. Per Chair need to keep the contractor focused on what Unitil is trying to do, keep the lines and wires clear, could get into problems outside of the scope of the eight foot ground to sky cutting. Jack will speak with Ms. Lisio and perhaps have a representative from Asplundh or Unitil in to discuss industry standards on the tree removal. Chairs concern is that we're not allowing overkill, would like to establish some radius around the wires, and also noted the concern with stump removal. Dave wants to be sure that there is a clear line of communication and that the property owners are allowed to have the opportunity to discuss with the contractor. Jack noted that on August 25th there will be a meeting with regards to both Leominster Road and Lancaster Ave., would like to have the questions that the board asked at the meeting when the representative was here answered.

- Wallis Park Clean up and the North Leominster Rod and Gun Club should be available for next meeting. Still working on the wireless and the issues with the Eagle Heights development.
- Chair would like the board members compile their recommendations for CAFO goals and have this on the agenda for the next board meeting.
- Policies and procedures need to be addressed as this was started some time ago, Chair would like the board to make a commitment on this.
- Steve would like to have a budget update for next meeting so we know what's going to happen, what could possibly happen. If something is going to happen would rather see it sooner than later. Per CAFO are in the process of looking over all of our revenue estimates.

3. Earth Removal Permit Renewals – Zoning Officer, Mike Sauvageau came before the board and reviewed his attached report, noted that a number have been inactive for some time and have been this way for a few years. On the Crowley earth removal permit #52, there was an incident last year, which he responded to and Mr. Crowley did comply with the conditions of the permit. Spoke with Mr. Crowley this year and due to economic conditions there's not a lot of activity with his operations, expect that the excavation will be completed within another term of the permit as it is approximately 75% complete. The area is under control and is an orderly site, have not received another complaint since the first one.

Per Chair, spoke with the resident and confirmed that this was the issue, that the earth removal was going to continue. Per Mike, he is not aware of any removal taking place on a weekends since the initial complaint and the Crowley's have responded.

Reveiued the status of the Keatings pits, mostly status quo, not much difference.

Tom M., only concern is the Crowley site and hope that this is the last time, that this will be the last year.

Per Chris Crowley, he plans on building his home on this site and will be completed within one year.

Steve motion to grant all the earth removal permits, Tom M. seconded voted unanimously to approve.

4. Household Hazardous Waste Day – scheduled for Saturday, September 26, 2009, 9:00 AM - 1:00 PM, Lunenburg, DPW, 520 Chase Road, open to anyone, small business, and non-residents. Fee varies depending on volume & items, recommend that people pre-register through the web-site, www.MassToss.com or by contacting Tessa David at 978-660-6130.

OLD BUSINESS

1. Committee Updates

- Dave – School Committee met this past Saturday, discussed public forums on advisory committee findings as we get ready for town meeting.

2. Road Maintenance Plan – DPW Director Jack Rodriquenz reviewed the attached memorandum and presented a PowerPoint Presentation, Pavement Survey and Maintenance Plan for the town's roadways. Noted that public safety issues should trump the pavement plan and that we should listen to our public safety officials on whether there is a safety issue on a particular road. More than just asphalt in place, need to look at installation of berms etc., as an aside, spoke with Capital Planning a number of years ago for money dedicated towards drainage can't be spending hundreds of thousands of dollars on paving if we don't address the drainage issue. There is no particular system, he has networked with people, does not have a software program. Jack noted that he had provided a formula to the board about a year ago as there is a generally accepted formula for the issues that are out on the road. He has started evaluating the roads. Per Chair, there are two separate issues, our scoring methods and what are we able to get done

because of the money issue. Why some roads get done before others get done, because of the volume of traffic etc., per Jack this is in place. Chair would like to know when we'll see the list of roads and the plan. Jack is confident that the board will have by spring of 2010. CAFO noted that this is a snapshot of what is in place, given the current level of spending and if nothing else changes, could give what is expected to take place. All we can say is what we're doing in a given year and for what reason. To expect that this information is going to be updated on an annual basis would be unrealistic given the staffing levels. Dave's concern is that this information, spreadsheet, should be on the website so that the public is able to see where they may stand in the position. Want to be sure that the plan doesn't confuse people, don't need to show all the data, but would like to have the main plan out there.

CAFO, the level of effort that is done in year one, is far greater than will be done down the road. Have to look at everything in a relatively short period of time, it's updated and a more thorough investigation again at year 5, not going to be able to happen every single year.

Tom M., the real problem is that we're talking about 5 or 6 million dollars for the main roads and the chances of the secondary roads moving up to the top of the list is slim given the amount of money we have available for paving. Steve questioned if there is a plan to try to maintain the roads, to fill the cracks in order to preserve the roads, like what we've done on Goodrich Street. Per Jack, yes we'll be looking at this and continue to fill. Steve also questioned going back to chip seal and sand and oil. Jack will present what our needs are, where we are and for the board to decide where we'll be.

Jack noted that Chapter 90 funds can be used for design and engineering, Summer Street anticipate that this could be a 2 million dollar road. There is never a time that we'll be able to fund the repair of Summer Street, strong suggestion is to not spend every cent on paving and to put some money aside to fund engineering to be able to obtain state and federal funding to reconstruct this roadway. As with Route 13 which was a 1.3 million grant, we'd never have been able to address that issue without state funding. We could identify that Summer Street is in need and in concert with the cities of Leominster and Fitchburg could realize some state or federal funding, perhaps through MRPC. Chair would like a scope of work that is detailed for the board to have that we need to get through this project. Board would like to have an estimate for engineering costs for reconstruction of Summer Street.

APPOINTMENTS/REAPPOINTMENTS

1. Appointments, Personnel Board, Computer Advisory Committee – Tom M., motion to appoint Dawn Cacciotti to the Personnel Committee, Steve seconded voted unanimously to approve.

2. Reappointments, Computer Advisory Committee – Paula would like to discuss having employees serve on the committee, questioned whether it makes sense to have staff members appointed. Noted that they are a valuable asset, but is it necessary to have them as members. Dave concurred, per Chair we should probably have this as a bylaw change, should be ex-officio members. CAFO believes that the board could also do this by policy.

Paula motioned to appoint Anthony Caiozzo, Russell Harvey and Gregory Kerins to the Computer Advisory Committee, Steve seconded, voted unanimously to approve. Derek to be notified that the board will be adopting policies to address this issue regarding employees being appointed versus ex-officio members to assist the committee.

EXECUTIVE SESSION

1. None

Being no further business board voted unanimously to adjourn Regular Session at 10:27 P.M.

Respectfully submitted,

Laura Williams, Chief Administrative Assistant
Board of Selectmen